

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13724, of Chun Ja Jin, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a "dry cleaning and drop store", first floor, to a "dry cleaning and drop and shoe repair", first floor, in an R-4 District at the premises 4526 Georgia Avenue, N.W., (Square 2918, Lot 100).

HEARING DATE: April 21, 1982
DECISION DATE: April 21, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the west side of Georgia Avenue between Allison and Buchanan Streets and is known as premises 4526 Georgia Avenue, N.W. It is in an R-4 District.
2. The subject site is improved with a one story, brick, commercial structure. A Certificate of Occupancy, No. B-115934, was issued August 22, 1979 for the use of the premises as a dry cleaning drop store, first floor.
3. The applicant now proposes to change the use of the premises from a dry cleaning drop store to a dry cleaning drop store and shoe repair, first floor.
4. To the north of the site are a series of stores devoted to C-1 uses. To the south are residences.
5. The subject store has been in existence for at least twenty years. The lessee rented the premises one year ago. The owner of the premises had operated the subject business formerly.
6. At the time the lessee commenced the business, the shoe repair machine was on the premises. The shoe repair business has been in existence at the subject premises as long as the dry cleaning drop business.
7. When the lessee applied for a Certificate of Occupancy in his name it was discovered that the former Certificates of Occupancy had never included the shoe repair business, only the dry cleaning drop store.

8. Both the dry cleaning drop business and the shop repair business are first permitted in the C-1 District.

9. The customers come directly from the neighborhood and are basically walk-in customers.

10. The proposed shoe repair business is a neighborhood facility.

11. There was no opposition to the application at the public hearing or of record.

12. Advisory Neighborhood Commission 4C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has complied with the requirements of Sub-section 7104.2 of the Zoning Regulations. The Board concludes that the applicant has met his burden of proof. Both the existing use and the proposed use are first permitted in a C-1 District. Both uses are neighborhood facilities. The Board, further concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUL 19 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.